

### **REMARKS**

Reconsideration of the present application is respectfully requested. Claims 1, 30 and 41 have been amended. Claims 1 – 41 are currently pending.

#### **Rejections based on 35 U.S.C. § 103**

Claims 1 – 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over an article titled “Inside Macintosh: Macintosh Toolbox Essentials” (“Toolbox”) in view of a second article titled “StuffIt Deluxe User’s Guide” (“StuffIt”). Claims 1 – 18, 30 – 35, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints (“MacOSXHints”) in view of “Mac OS X Disaster Relief: Troubleshooting Techniques to Help Fix It Yourself” (“Landau”). Claims 19 – 23, 25 – 29, 36, 37, 39, and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau, further in view of Balabine, *et al.*, U.S. Patent No. 5,937,406 (“Balabine”). Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau in view of Balabine, further in view of MacOSXHints2 (“MacOSXHints2”).

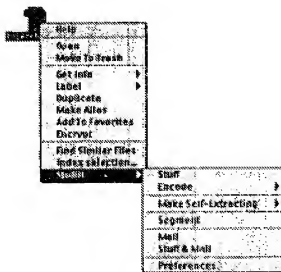
#### **Claims 1 - 41**

Claims 1 – 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Toolbox in view of StuffIt. In the interest of furthering the prosecution of this application, Applicants have amended the independent claims, claims 1, 30 and 41, in response to this rejection. Applicants respectfully submit the neither Toolbox nor StuffIt, either alone or in combination, teach the following newly-added aspects of the independent claims:

- “present a set of items containing said metadata to the user . . . with a menu” wherein “said menu is generated by selecting a portion of said user-selectable tasks from the *metadata accompanying multiple items from said set of items.*”[claims 1 and 41];

- “*automatically presenting along with the one or more requested items a menu containing at least a portion of the selected tasks obtained from said multiple of said one or more items*” [claim 30];
- a “display presentation component” that treats *differently* “a set of items of heterogeneous types” and “a set of items of a homogenous-type” in the manner set for by claim 41.

The Office Action states that Toolbox fails to teach defining the claimed “user-selectable tasks” and relies on Toolbox to teach metadata in the form of a resource fork of a file. See Office Action, p. 2 and 8. To teach the claimed “tasks,” the Office Action relies on StuffIt. Office Action, p. 8. The figure of StuffIt relied upon by the Office Action (see pages 2 and 8) is reproduced below:



StuffIt, p. 86. As this figure illustrates, StuffIt's menus are displayed for a selected item in response to a user's input of the “Control” key. See StuffIt, p. 86. The Office Action states, “Since Stuffit teaches that it can differentiate between files, folders and archives, [S]tuffit has the ability to access metadata contained in the item and use that to define/obtain user-selectable tasks in the contextual menu.” Office Action, p. 3.

The Toolbox and StuffIt references, however, do not teach the newly-added aspects of the independent claims. Each of the independent claims now include claim language requiring the selection of the user-selectable tasks for the menu “from the metadata accompany[ing] *multiple items* from said set of items.” Nowhere do the references teach generating the menus by selecting menu-tasks from the metadata accompanying different files in a set of files. Rather, the menus of StuffIt are apparently drawn from a single resource fork of an item. Without any suggestion of “selecting a portion of said user-selectable tasks from the metadata accompanying multiple items from said set of items,” Applicants respectfully submit that claims 1, 30 and 41 are now in condition for allowance.

Further, claim 30 now require “*automatically* presenting along with the one or more requested items a menu containing at least a portion of the selected tasks obtained from said multiple of said one or more items.” In contrast to the claimed *automatic* presentation of the menus, StuffIt expressly teaches only displaying its menus after the user holds the control key while clicking an item. StuffIt, p. 86. As to claim 41, the amendments now differentiate the presentation of “a set of items of heterogeneous types” and “a set of items of a homogenous-type.” Neither reference teaches such differentiation of the presentation of heterogeneous and homogeneous sets. Certainly, the references do not teach a “display presentation component” that treats differently “a set of items of heterogeneous types” and “a set of items of a homogenous-type” *in the manner set forth by amended claim 41.* For each of these additional reasons, Applicants respectfully submit that the independent claims are in condition for allowance.

Applicants also submit that dependent claims 2 - 29, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim

1. Applicants also submit that dependent claims 31 - 40, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

Claim 1 – 18, 30 – 35, and 41

Claims 1 – 18, 30 – 35, and 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau. Applicants respectfully submit that neither MacOSXHints nor Landau, either alone or in combination, discloses each and every limitation recited by amended independent claims 1, 30 and 41. Specifically, MacOSXHints and Landau do not disclose the newly-added aspects of the independent claims discussed, *supra*. The references further do not teach displaying a “menu” of tasks to the user, as now required by the claims.

To teach the claimed user-selectable tasks, the Office Action states, “.DS\_Store file also defines a plurality of user-selectable tasks in that the .DS\_Store file is accessed to determine how to draw the window (position, size, list/icon/column view options, ‘keep arranged by’ options). All these parameters are user-selectable tasks, task done by drawing the window.” Office Action, p. 3-4. As the Office Action’s quote makes clear, the MacOSXHints and Landau reference do not display a menu of tasks to the user. Rather, the references merely teach “how to draw the window (position, size, list/icon/column view options, “keep arranged by” options).” The window’s view properties, i.e., position, size, list/icon/column view, are clearly not a “menu containing at least a portion of the selected tasks” as required by the amended independent claims. For this reason alone, such claims are allowable over the art of record.

Further, neither MacOSXHints nor Landau teach generating menus by selecting menu-tasks for the metadata accompanying different files in a set of files, as required by claims 1, 30 and 41. Neither reference teaches “*automatically* presenting along with the one or more

requested items a menu containing at least a portion of the selected tasks obtained from said multiple of said one or more items,” as required independent claim 31. Nor do the references teach a “display presentation component” that treats differently “a set of items of heterogeneous types” and “a set of items of a homogenous-type” in the manner set forth by amended claim 41. For each of these reasons, Applicants respectfully submit that independent claims 1, 30 and 41 are in condition for allowance.

Applicants also submit that dependent claims 2 - 18, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim 1. Applicants also submit that dependent claims 31 - 35, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

Dependent Claims 19 – 23, 25 – 29, 36, 37, 39 and 40

Dependent claims 19 – 23, 25 – 29, 36, 37, 39 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau, further in view of Balabine. Claims 19 – 23 and 25 – 29 depend from independent claim 1. Claims 36, 37, 39 and 40 depend from independent claim 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints and Landau. Balabine also fails to disclose the invention of claims 1 and 30, individually or in combination with MacOSXHints and Landau. Claims 19 – 23, 25 – 29, 36, 37, 39 and 40 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints, Landau and Balabine, taken individually or in combination with one another, for at least the reasons stated above.

Dependent Claims 24 and 38

Claims 24 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacOSXHints in view of Landau and Balabine, further in view of MacOSXHints2. Claim

24 depends from independent claim 1. Claim 38 depends from independent claim 30. 30. As discussed above, claims 1 and 30 are patentable over MacOSXHints and Landau. Balabine and MacOSXHints2 also fail to disclose the invention of claims 1 and 30, separately or in combination with MacOSXHints and Landau. Claims 24 and 38 include all of the limitations of claim 1 or 30 and are also patentable over MacOSXHints, Landau, Balabine and MacOSXHints2, taken separately or in combination with one another, for at least the reasons stated above.

### Conclusion

For the reasons stated above, claims 1 – 41 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

*/Robert H. Reckers/*

Robert H. Reckers  
Reg. No. 54,633

SHOOK, HARDY & BACON L.L.P.  
2555 Grand Boulevard  
Kansas City, Missouri 64108  
Phone: 816/474-6550  
Fax: 816-421-5547